

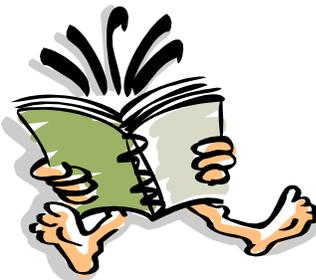
HOW TO USE THE LUE & LUO SYSTEM

San Luis Obispo County Department of Planning and Building

1/1/2006

HOW TO USE THE LAND USE ELEMENT AND LAND USE ORDINANCE SYSTEM

This is your guide to the county Land Use Element (LUE) and Land Use Ordinance (LUO), and how they each affect land development and building projects in the unincorporated areas of the county. It is divided into two sections: an introduction which explains how county regulations apply to land use, and step-by-step instructions for using the LUE/LUO system.



Land Development in the County

Understanding the county's land use regulations is important to anyone who is considering a development project, large or small, anywhere in the unincorporated area (those parts of the county that are not within official city limits) of San Luis Obispo county. Land use regulations provide guidelines and standards for many important aspects of community development, including:

- how and where communities grow;
- how a particular property can be used;
- the permit procedures and regulations that must be followed to develop a site.

There are four documents that contain these regulations:

1. The Land Use Element (LUE) - Inland and Coastal**
2. The Land Use Ordinance (LUO) - Inland and Coastal**
3. The Real Property Division Ordinance
4. The Building and Construction Ordinance.

**The Coastal Zone refers to property located along California's coastline created by the California Coastal Act enacted in 1976 by the California Legislature.

Land Use Element (LUE)

All land is included in one of 13 land use categories (zoning) that are established in the Land Use Element

The 13 land use categories are:

- | | |
|---------------------------------|-------------------------------|
| AG - Agriculture | CR - Commercial Retail |
| RL - Rural Lands | O & P - Office & Professional |
| RR - Residential Rural | CS - Commercial Service |
| RS - Residential Suburban | IND - Industrial |
| RSF - Residential Single Family | REC - Recreation |
| RMF - Residential Multi-Family | OS - Open Space |
| PF - Public Facilities | |

The LUE also describes “combining designations”, or overlay categories that identify those areas where unusual or dangerous conditions exist. For example, floodplains, fault zones, airport approaches, or other conditions may require additional consideration when development is planned for a particular site. Combining designations are applied in addition to a particular land use category.

The nine combining designations are:

AR - Airport Review	H - Historic Site
EX - Energy/Extractive Area	EX1 - Extractive Resource Area
GSA - Geologic Study Area	SRA - Sensitive Resource Area
FH - Flood Hazard	TDCS - TDC -Sending Site
TRCR - TDC Receiving Site	

Three components of the LUE:

1. The Official Maps
2. Framework for Planning
3. The Area Plans

.....are used to determine the type and scope of development.

The fourth:

4. Coastal Plan Policies

.....is an additional set of policies only used for development within the Coastal Zone.

The **Official Maps** illustrate the official and exact location of land use categories and combining designations.

The **Framework for Planning**:

- defines planning goals
- provides a comprehensive overview of land use policies
- designates the intensity and distribution of public and private land uses including, housing, commercial, industry, education and public facilities
- sets guidelines for general plan amendments

The **Coastal Zone Framework for Planning**:

- contains all of the above and also includes “Coastal Table O”, a listing of the land uses allowed within each land use category.

There are 15 different **Area Plans**, each providing land use policies, programs and unofficial maps detailing land use categories and combining designations, that apply to a specific geographical area.

The 15 Area Plans are:

Adelaida
El Pomar-Estrella
Estero
Huasna-Lopez
Las Pilitas
Los Padres
Nacimiento
North Coast

Salinas River
San Luis Bay
San Luis Bay (Coastal)
San Luis Obispo
Shandon-Carrizo
South County
South County (Coastal)

The Coastal Zone Area Plans contain **planning area standards**, which reflect unique development considerations for a particular area.

Land Use Ordinance (LUO)

The reason that you are unlikely to see a concrete batch plant next to your house is because of the regulations contained in the LUO. The LUO describes where different land uses can be established through Table 2-2 (the allowable use table) in the Inland areas of the county (those areas outside of the Coastal Zone). Table 2-2 is a listing of the land uses allowed within each land use category.

The LUO also lists the standards (requirements) and the permit procedures for land development, including features of site design such as minimum parcel size, required width of yards (setbacks), allowed building heights, number and design of off-street parking spaces, and standards for grading, drainage, curb and gutter improvements and tree removal.

The LUO also includes inland **planning area standards**, that reflect unique development considerations for a particular area.

Coastal Zone Land Use Ordinance (CZLUO)

The CZLUO does not contain the allowable use table nor the planning area standards as these are found in Coastal Framework for Planning and the Coastal Area Plans. It does contain all the other sections that the LUO contains.

Real Property Division Ordinance (Title 21)

Standards and procedures for dividing land, lot line adjustments and certificates of compliance are contained in Title 21. This guide does not include instructions for using this document. For more information on land divisions, please refer to the information bulletin "Guide to Land Divisions."

Building and Construction Ordinance (Title 19)

Technical code requirements for building construction are contained within Title 19, in conjunction with the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, etc. This guide does not include instructions for using this ordinance and the various codes. For more information on building and construction, please refer to the information bulletin "Guide to Construction Permits."

Permits



The Department of Planning and Building issues two permit types. Construction Permits and Land Use Permits.

Construction Permits

Construction permits are required so the county can ensure new structures are safe and built to county standards. They include building, grading, electrical, plumbing and mechanical permits.

In most instances, a construction permit is not an application that the Community Advisory Council will review since this stage is ministerial (if the application meets legal requirements, we ***must*** issue a permit) and there is no referral or consultation process with the Advisory Council. If a hearing has previously been required because the project required a land use permit or a land division and the Council has participated, you may want to request that your liaison provides status checks on the progress of the related building permits. In addition, construction plans are available for public review.

Land Use Permits

There are four kinds of land use permits:

- Plot Plan

- Site Plan Review (Inland only)

- Minor Use Permit

- Conditional Use Permit (Inland only) / Development Plan (Coastal Zone only)

Plot Plan approval, required for simple development projects, is given by the Planning Director through the planning department staff.

Site Plan Review approval, required to review more project details, such as landscaping or signage, is given by the Planning Director through the department staff.

Minor Use Permit approval, required for projects that may have the potential to cause neighborhood concerns, is given by the Hearing Officer (the Planning Director or his designee).

Development Plan or Conditional Use Permit approval, required for larger projects or other land uses that may have the potential to affect the neighborhood or community, is granted by the Planning Commission.

Plot Plan and Site Plan decisions are appealable to the Planning Commission. Minor Use Permit, Conditional Use Permit and Development Plan decisions are appealable to the Board of Supervisors.

In addition there are other types of approvals that are associated with land use including:

Variance, a request by an applicant who wants relief from specific standards that can only be waived or modified through finding the property different from all other property in the area.

Waivers and Adjustments are used to waive or modify ordinance standards as provided in the ordinances.

What are the steps in the process?

Pre Application Meeting - A meeting with staff and staff from other departments to initially review the proposed development of the property

File Application - Submittal of the application materials that are required or identified as needed. During the first 10 days after application submittal, a copy of the project is referred to applicable agencies including the Community Advisory Council in the area.

Completeness Determination - Within 30 days of submittal (as required by state law), staff completes the initial review of the project. The site is viewed and a letter sent to the applicant requesting additional information if needed.

Application Accepted - Once the application is complete, a letter formally accepting the application is sent. This action starts the time clock for processing.

Environmental Review - The application will be subject to an environmental review to determine if significant environmental impacts could result for the proposed project.

Public Notice - This step provides a notice to the newspaper and to properties within a minimum of 300 feet from the boundaries of the project. This notice must be in the newspaper a minimum of 10 to 30 days before the hearing depending upon the type of environmental review.

Staff Report to the Decision-Maker - A report is prepared by Department staff that documents all the policies, facts and recommendations from other agencies (including the Community Advisory Councils) that led to the recommendation on the project. This will include the environmental determination, findings for the decision and the recommended conditions of approval.

Decision - The Review Authority (Staff, Hearing Officer, Subdivision Review Board, or Planning Commission) considers all the information that is provided at the hearing including the staff report, information the applicant provides, and comments from the public, the Community Advisory Council and individual community members.

Appeal - Decisions on land use and associated permits may be appealed. A new public hearing will be held by the applicable hearing body.

How long does the process take?

Processing times vary depending upon the site, and the complexity and environmental impacts associated with the project.

In most cases, from the time an application is submitted, a land use permit that requires a public hearing takes approximately 4 to 8 months to process. A Plot Plan is generally approved simultaneously with the construction permit. A Site Plan takes about two to six months. A land division application that requires a public hearing takes approximately six to ten months to process. A lot line adjustment takes about four to seven months.



WHAT IS THE LUE/LUO?

The Land Use Element and Land Use Ordinance include a number of components.

Official Maps

The first determination you should make is what land use category is applied to your property. You do this by looking at the official maps, which show the precise location of land use categories. Each area plan contains unofficial maps, but only the official maps provide the detailed and official

designation of property.

Planning Area Standards

The official maps also define which of the 15 planning areas your property is in. The last chapter of each Coastal Area Plan and Article 9 in the Inland Land Use Ordinance contains standards that can restrict uses, set land use permit levels, and provide design and development standards. Area Plan standards always override the standards and land use permit levels in the LUO or CZLUO.

Table 2-2 / Table O

Chapter 22.06 of the Land Use Ordinance contains "Table 2-2" and Chapter 6 of the Coastal Framework for Planning contains "Table O". These tables list the allowable uses in each land use category and contains detailed definitions and descriptions of these uses.

Combining Designations

The official maps also define which, if any, combining designations apply to your property. Chapter 22.14 of the LUO and Chapter 7 of the CZLUO includes "combining designation standards" which can set land use permit levels and provide additional design and development standards. These standards are applied in addition to LUO and coastal area plan planning area standards. In cases where the provisions of these chapters conflict with other chapters of the LUO/CZLUO, the combining designation standards prevail. Where planning area standards conflict with the provisions of Chapter 22.14 of the LUO and Chapter 7 of the CZLUO, the planning area standards prevail.

Special Use Standards

Article 4 of the LUO and Chapter 8 of the CZLUO includes "special use standards" which can limit specific uses, set land use permit levels (in the CZLUO only) and provide additional design and development standards. These standards are applied in addition to other standards in the

LUO/CZLUO and planning area standards. In cases where the “special use standards” conflict with other chapters (except the combining designation standards) of the LUO/CZLUO, the “special use standards” prevail. Where planning area standards conflict with the “special use standards”, the planning area standards prevail.

Table 2-3 / Table 3-A

Chapter 22.08 of the LUO contains Table 2-3 and Chapter 3 of the LUO contains Table 3-A. If a land use permit level has not been set by planning area standard, combining designation standards or special use standards, the tables will set the land use permit level.

Site Design and Development Standards

Articles 3 and 5 of the LUO and Chapters 4, 5 and 6 of the CZLUO contain site design, development and operational standards. They are minimum standards which should not be used as a “cookbook” for development design.

Required Information

Article 6 of the LUO and Chapter 2 of the CZLUO contains the minimum application submittal requirements. For some applications, additional information not specified in the ordinances may be required. A pre-application meeting can determine what additional information is needed.

Non-Conforming Uses

Chapter 22.72 of the LUO and Chapter 9 of the CZLUO contains standards and definitions for non-conforming uses. These regulations allow what is typically called “grand-fathered” uses.

Enforcement

Chapter 22.74 of the LUO and Chapter 10 of the CZLUO contains the enforcement provisions used when violations of the land use regulations of the county occur.

Definitions

Article 8 of the LUO and Chapter 11 of the CZLUO are where you will find definitions for most land use terms. In the LUO this also includes definitions of specific land uses. In the Coastal Zone, the definitions of specific land uses are found in Chapter 6 of the Coastal Framework for Planning.

INLAND - STEP-BY-STEP GUIDE TO USING THE LUE AND LUO

These 6 steps should be followed to determine what you can do on your property:

1. Study the official maps.
2. Read the planning area standards in Article 9 of the LUO.
3. Read Table 2-2 and any applicable special use standards in the LUO.
4. Read any applicable combining designation standards in the LUO.
5. Determine the site design and development standards of the LUO.
6. Prepare the application.

These steps may or may not apply to a specific project. Skip the steps that do not apply. Be sure to keep complete notes for easy reference. If questions arise that are not explained by this guide, call the Planning and Building Department at (805) 781-5600 or make an appointment with a planning staff member.

STEP 1 -



Study the Maps

This is where you find which land use category and combining designations apply to your property.

Any parcel and its land use category can be found on the official maps, which should always be consulted when considering a development proposal.

Without checking the official maps, there are two less accurate ways of determining the land use category and combining designations that apply to your property.

You can either use the unofficial report maps included in each area plan, or call the zone phone at (805) 781-1087, which will provide the land use category and combining designations (if any) that apply to your parcel. You will need to input your assessor parcel number on your touch tone phone.

- U Make a note of the land use category and combining designations (if any) that apply to your site.

STEP 2 -



Read the Standards

You will need to know if there are any special standards that apply to your parcel because of its specific location.

There may be special requirements that apply to new development in certain communities or other distinct areas of the county. They are listed in the Article 9 and are organized by planning area alphabetically.

Standards are requirements that are mandatory for a development proposal to satisfy. They can include special setbacks and permit requirements, as well as other improvements that will be required when a site is developed. Standards can also limit certain land uses in areas where they would otherwise be allowed. Planning area standards may be more restrictive than the requirements of the LUO. When they differ, the planning area standards override other standards in the LUO.

- U As you read the standards, make a note of any that apply to your site.

STEP 3 -



Read Table 2-2

Table 2-2 in the Land Use Ordinance lists the different land uses allowed in each of the 13 land use categories and the permit level required to establish those uses.

On the chart, a blank space means the use is not allowed. An "A1" indicates it is allowed subject to the land use permit required by 22.06.030 (Table 2-3), an "A2" indicates that it is allowed subject to the land use permit required by the specific use standards (Article 4), a "P" indicates that it is a permitted use and a Zoning Clearance is required, an "SP" indicates that it is a permitted use and a Site Plan Review is required, a

“MUP” indicates that it is a permitted use and a Minor Use Permit is required, and a “CUP” indicates it is a permitted use and a Conditional Use Permit is required. Make sure you check the notes where referenced in the Table as they could provide additional limitations.

U Note whether the use is allowable and the permit level. Also note the applicable standards in Article 4 that apply.

Can't find your use?

When your project does not exactly match a use listed in Table 2-2, check the definitions in Article 8. Pick one or more uses that are similar to the proposed use, and look them up in the definitions. The definitions list more details about the range of activities for each land use on the table.

STEP 4 -



Check the Combining Designations

Look in Chapter 22.14, “Combining Designations” of the LUO for the section heading that is the same as the combining designation that applies to your site.

Chapter 22.14 contains requirements that apply only to sites covered by a combining designation. These requirements apply in addition to any standards of the area plans and other requirements of the LUO.

There may also be planning area standards that apply to a combining designation, so check Article 9 for any additional planning area standards that may affect your site.

U Note any special standards in Chapter 22.14 or in Article 9 that apply because of the combining designation.

STEP 5 -



Site Design and Development Standards

To find any specific requirements for site design, development and operational standards for various uses, look in Article 3 and Article 5 of the LUO.

These chapters divide the standards into different categories, such as minimum parcel size, minimum site area, density, tree removal, fire safety, noise standards, etc. Keep in mind that planning area standards may supersede any of these standards.

U Note any design and development standards that apply to your project.

STEP 6 -



Prepare your Application

Article 6 of the LUO describes the procedures and application content requirements for Business Licenses, Zoning Clearances, Plot Plans, Site Plan Reviews, Minor Use Permits, and Conditional Use Permits.

Application packages are available from the Planning and Building Department and on the Department Web Page.

When a project involves multiple uses, a single land use permit application may be used. The required permit would be the highest permit required for any of the individual uses.

If your project involves multiple application types (for example, a land division and minor use permit), they may be processed concurrently and would be reviewed only by the highest Review Authority for the application type. For instance, a minor use permit with a tract map would both be heard and acted on by the Planning Commission, which reviews tract maps, not the Administrative Hearing Officer, who reviews Minor Use Permits.

COASTAL ZONE - STEP-BY-STEP GUIDE TO USING THE LUE AND LUO

These 7 steps should be followed to determine what you can do on your property:

1. Study the official maps.
2. Read the planning area standards.
3. Read Table O in Coastal Framework for Planning and any applicable special use standards in the CZLUO.
4. Read any applicable combining designation standards in the CZLUO.
5. Determine the site design and development standards of the CZLUO.
6. Determine the land use permit level.
7. Prepare the application.

These steps may or may not apply to a specific project. Skip the steps that do not apply. Be sure to keep complete notes for easy reference. If questions arise that are not explained by this guide, call the Planning and Building Department at (805) 781-5600 or make an appointment with a planning staff member.

STEP 1 -



Study the Maps

This is where you find which land use category and combining designations apply to your property.

Any parcel and its land use category can be found on the official maps, which should always be consulted when considering a development proposal.

Without checking the official maps, there are two less accurate ways of determining the land use category and combining designations that apply to your property.

You can either use the unofficial report maps included in each area plan, or call the zone phone at (805) 781-1087, which will provide the land use category and combining designations (if any) that apply to your parcel. You will need to input your assessor parcel number on your touch tone phone.

- U Make a note of the land use category and combining designations (if any) that apply to your site.

STEP 2 -



Read the Standards

You will need to know if there are any special standards that apply to your parcel because of its specific location.

There may be special requirements that apply to new development in certain communities or other distinct areas of the coastal zone portions of the county. They are listed in the chapter entitled “Planning Area Standards,” which is the last chapter of each coastal Area Plan.

Standards are requirements that are mandatory for a development proposal to satisfy. They can include special setbacks and permit requirements, as well as other improvements that will be required when a site is developed. Standards can also limit certain land uses in areas where they would otherwise be allowed. Planning area standards may be more restrictive than the requirements of the CZLUO. When they differ, the planning area standards override those in the CZLUO.

U As you read the standards, make a note of any that apply to your site.

STEP 3 -



Read Table O

Coastal Table O in Coastal Framework for Planning lists the different land uses allowed in each of the 13 land use categories.

On the chart, a blank space means the use is not allowed. An “A” indicates it is allowed and an “S” means it is a special use, allowed only after meeting special standards in the CZLUO. The number following an “S” and the key at the end of the chart refers to the section in the CZLUO that discusses the special standards. A “P” means that it is a principally permitted use and should be encouraged over non-principally permitted uses, but not over agriculture or coastal dependent uses. (Note - if a use is an “S” use it is considered appealable to the California Coastal Commission)

The chart heading entitled “definition of use on page,” refers to the page in Framework for Planning that will provide the definition for the land use identified.

For example, if the proposed use were a convenience store, it would be found in the “Retail Trade” section of the chart as “Food & Beverage Retail Sales”. If the land use category was Residential Multi-Family, the chart notes that it is an S-10 use. This refers you to Section 23.08.200 in the CZLUO that lists special requirements for retail trade establishments and special standards for convenience stores.

U Note whether the use is allowable. If it is a special “S” use, write down the applicable section of Chapter 22.08 of the CZLUO and note any special standards in Chapter 8 that apply.

Can’t find your use?

When your project does not exactly match a use listed in Coastal Table O, pick one or more uses that are similar to the proposed use, and look them up in the definitions section following Table O. The definitions provide more details about the range of activities for each land use listed on the chart.

STEP 4 -



Check the Combining Designations

Look in Chapter 7, “Combining Designations” of the CZLUO for the section heading that is the same as the combining designation that applies to your site.

Chapter 7 contains requirements that apply only to sites covered by a combining designation. These requirements apply in addition to any standards of the area plans and other requirements of the CZLUO.

There may also be planning area standards that apply to a combining designation, so check the area plan standards for any additional standards that may affect your site.

- U Note any special standards in Chapter 7 or in the coastal Area Plan that apply because of the combining designation.

STEP 5 -



Site Design and Development Standards

To find any specific requirements for site design, development and operational standards for various uses, look in Chapters 4, 5, and 6 of the CZLUO.

These chapters divide the standards into different categories, such as minimum parcel size, minimum site area, density, tree removal, fire safety, noise standards, etc. Keep in mind that planning area standards may supersede any of these standards.

- U Note any design and development standards that apply to your project.

STEP 6 -



What Level of Permit is Required?

Land use permit requirements for most projects are listed in Table 3-A in Chapter 3 of the CZLUO.

Chapter 3 also contains a list of uses and projects that are exempt from permit requirements. If a land use permit is required and the type of permit has not been set through planning area standards or Chapters 7 or 8 of the CZLUO, use Table 3-A to determine the permit level.

- U Note the type of land use permit your proposed use must have.

STEP 7 -



Prepare your Application

Chapter 2 of the CZLUO describes the procedures and application content requirements for Business Licenses, Zoning Clearances, Plot Plans, Site Plans, Minor Use Permits, and Development Plans.

Application packages are available from the Planning and Building Department and are on the Department Web Page.

When a project involves multiple uses, a single land use permit application may be used. The required permit would be the highest permit required for any of the individual uses.

If your project involves multiple application types (for example, a land division and minor use permit), they may be processed concurrently and would be reviewed only by the highest Review Authority for the application type. For instance, a minor use permit with a tract map would both be heard and acted on by the Planning Commission, which reviews tract maps, not the Administrative Hearing Officer, who reviews Minor Use Permit.